

Message Text

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PAGE 01 ATHENS 02829 300957Z
ACTION EUR-12

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FM AMEMBASSY ATHENS
TO SECSTATE WASHDC PRIORITY 9733

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STADIS////////////////////////////////////

FOR EUR/SE - MORTON

E.O. 11652: N/A
TAGS: ELAB, GR, US
SUBJECT: CONGRESSIONAL INQUIRY - PACIFIC ARCHITECTS AND ENGINEERS

REF: GRANT - RATIGAN TELECON, MARCH 29, 1977

1. PER REFERENCED TELECON THE FOLLOWING IS THE PROPOSED TEXT
OF A RESPONSE TO CONGRESSMAN EAXMAN'S LETTER OF MARCH 14 (OF
WHICH YOU HAVE A COPY) CONCERNING PAE WORK PERMITS AND RELATED
PROBLEMS.

2. "DEAR CONGRESSMAN WAXMAN:

THIS IS IN REPLY TO YOUR LETTER OF MARCH 14, 1977 CONCERNING
THE EMPLOYMENT CONDITIONS OF AMERICAN CITIZENS WORKING FOR
PACIFIC ARCHITECHTS AND ENGINEERS (PAE) IN GREECE.

3. AS YOU NOTED, THE MAIN POINT AT ISSUE IN THE SITUATION
IS WHETHER OR NOT PAE EMPLOYEES ARE EXEMPT FROM THE PROVISIONS
OF GREEK LAW REQUIRING ALIEN WORKERS TO OBTAIN WORK PERMITS
BEFORE BEGINNING EMPLOYMENT IN GREECE. THE GREEK GOVERNMENT,
SINCE THE EARLY 1960'S AT LEAST, HAS REEQUIRED THAT THE
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AMERICAN EMPLOYEES OF PAE, AND, PREVIOUSLY, OF THE TWO AMERICAN
FIRMS WHICH PRECEDED PAE AS MAINTENANCE CONTRACTORS FOR OUR
MILITARY FACILITIES IN GREECE OBTAIN SUCH WORK PERMITS.
THIS REQUIREMENT WAS NOT ENFORCED, HOWEVER, AT PAE'S WORK SITE
IN IRAKLION -- WE ASSUME THROUGH AN ADMINISTRATIVE ERROR ON THE
PART OF THE LABOR INSPECTOR WITH JURISDICTION OVER THE IRAKLION
AREA -- UNTIL LAST JULY WHEN THE CURRENT PROBLEM AROSE.

4. THE QUESTION OF THE PAE EMPLOYEES' EXEMPTION FROM GREEK WORK PERMITS INVOLVES BILATERAL AGREEMENTS BETWEEN THE UNITED STATES AND GREECE, AS WELL AS THE PRECEDENT OF MORE THAN 15 YEARS' COMPLIANCE WITH GREEK LABOR LAW REGARDING THESE PERMITS. THEREFORE, THE EMBASSY HAS REQUESTED A FORMAL LEGAL OPINION FROM THE DEPARTMENT OF STATE ON THE STATUS OF PAE'S AMERICAN EMPLOYEES UNDER THE RELEVANT BILATERAL AGREEMENTS. I UNDERSTAND THAT A RESPONSE IS NOW UNDER PREPARATION. THE EMBASSY'S FUTURE COURSE OF ACTION WILL BE DETERMINED BY THAT RESPONSE.

5. WITH RESPECT TO ALIEN REGISTRATION CARDS, THESE ARE IDENTIFICATION CARDS ISSUED BY THE GREEK GOVERNMENT, NOT BY THE EMBASSY, TO RESIDENT ALIENS. SOME EMPLOYEES OF OTHER AMERICAN CONTRACTORS HAVE RECEIVED OFFICIAL ALIEN REGISTRATION CARDS WHICH EXEMPT THEM FROM WORK PERMIT REQUIREMENTS. AVAILABLE RECORDS DO NOT SHOW THE BASIS ON WHICH THIS PRACTICE BEGAN SEVERAL YEARS AGO. IN ANY CASE, A MEMBER OF MY STAFF HAS DISCUSSED THIS SITUATION FULLY WITH PAE'S GENERAL MANAGER IN GREECE, ROBERT ROTHBART, AND WITH MICHAEL L. GULINO, PAE'S REPRESENTATIVE IN WASHINGTON, WHEN HE VISITED HERE RECENTLY. BOTH HAVE AGREED THAT WE SHOULD NOT JEOPARDIZE THE STATUS OF THE OTHER AMERICANS CONCERNED BY RAISING THIS ANOMALY WITH THE GREEK GOVERNMENT WHILE WE ARE IN THE PROCESS OF SEEKING TO CLARIFY THE PAE EMPLOYEES' STATUS.

6. IN THE MEANTIME, MEMBERS OF MY STAFF WILL CONTINUE TO WORK CLOSELY WITH MR. ROTHBART TO ENSURE THAT THE PROVISIONS OF GREEK LABOR LAW AS THEY AFFECT PAE'S AMERICAN EMPLOYEES, LIMITED OFFICIAL USE

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ARE APPLIED FAIRLY AND EXPEDITIOUSLY. THE EMBASSY HAS ALREADY INTERVENED WITH BOTH THE MINISTRY OF FOREIGN AFFAIRS AND THE MINISTRY OF LABOR FOR THAT PURPOSE AND WILL DO SO AGAIN AS NECESSARY IN THE FUTURE. FOR EXAMPLE, LAST SUMMER THE EMBASSY WAS ABLE TO OBTAIN AN INDEFINITE WAIVER OF THE WORK PERMIT REQUIREMENT WHICH ALLOWED PAE'S AMERICAN EMPLOYEES AT IRAKLION TO CONTINUE WORKING FROM LAST JULY WHEN THEY APPLIED FOR PERMITS UNTIL OCTOBER 16, 1976, WHEN THE PERMITS WERE ISSUED. THE SUIT AGAINST THE NINE AMERICAN EMPLOYEES, REFERRED TO IN YOUR LETTER, FOR WORKING WITHOUT PERMITS WAS REJECTED BY THE PRESIDING JUDGE.

7. IN VIEW OF YOUR EXPRESSED CONCERN, YOU WILL BE PLEASED TO KNOW THAT THE NINE EMPLOYEES WERE NEITHER ARRESTED NOR REQUIRED TO APPEAR IN COURT.

8. I HOPE THAT THE ABOVE INFORMATION IS RESPONSIVE TO YOUR CONCERNS. I HAVE FORWARDED A COPY OF YOUR LETTER TO THE DEPARTMENT OF STATE WITH THE REQUEST THAT YOU BE ADVISED IN MORE DETAIL OF THE LEGAL RAMIFICATIONS OF THE PAE EMPLOYEES'

STATUS. (COMPLIMENTARY CLOSE) SINCERELY,
JACK B. KUBISCH

9. EMBASSY WOULD APPRECIATE YOUR CONCURRENCE OR SUGGESTED
AMENDMENTS IN TIME FOR AN EARLY REPLY BY THE AMBASSADOR TO
CONGRESSMAN WAXMAN.
KUBISCH

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Message Attributes

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